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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,361	05/08/2001	Robert E. Novak	4000.2.22	2394
32641	7590	01/11/2007	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2623	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/11/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	09/851,361	NOVAK, ROBERT E.
	Examiner	Art Unit
	Hai Tran	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 October 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-41 is/are pending in the application.
4a) Of the above claim(s) 7,17,21-29,40 and 41 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 16,8-16,18-20 and 30-39 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/2006 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8-16, 18-20, and 30-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4, 8-14, 18-20, 30-32, 34-36, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by DeFreese et al. (US 6493876) .

Claims 1, 11, 30 and 31, DeFreese discloses a set top box (STB) for decoding audio/video streams from multiple sources (Fig. 3; Col. 2, lines 18-25), the STB comprising:

- a processor 30;
- a hardware decoder (33/46/49), coupled to the processor, for decoding audio/video streams;
- a first stream receiver 41 configured to receive a first audio/video media stream from a first source (Col. 13, lines 65-Col. 14, lines 2);
- a second stream receiver 42 configured to receive a second audio/video stream from a second source, the second audio/video stream comprising Internet Protocol (IP) encapsulated...audio/video data, and the second source comprising an IP Source (Col. 14, lines 4-10); and
- a stream selector (not shown but inherent in order to perform selective services, as disclosed in Fig. 5) having first and second inputs and an output, the first input coupled to the first stream receiver, the second input coupled to the second stream receiver, and the output coupled to the hardware decoder, wherein the stream selector is configured to selectively direct one of the first audio/video stream and the second audio/video stream to the hardware decoder under control of the processor, and wherein the hardware decoder is configured to decode the selected

output from the stream selector (Col. 15, lines 64-Col. 16, lines 12; Col. 17, lines 19-45).

Claims 2 and 12, DeFreese further discloses wherein the audio/video stream comprises a Moving Picture Experts Group (MPEG) stream (Col. 10, lines 20-32; Col. 11, lines 10-51), and wherein the hardware decoder comprises an MPEG decoder 33 (see Fig. 3).

Claims 3 and 13, DeFreese further discloses wherein the first stream receiver comprises a video tuner (see Fig. 3, el. 41).

Claims 4 and 14, DeFreese further discloses wherein the first source comprises a cable television source (see Fig. 1; Col. 2, lines 8-14; Col. 9, lines 30-55).

Claims 8 and 18, DeFreese further discloses wherein the stream selector (not shown but inherent in order to perform selective services, as disclosed in Fig. 5) comprises a multiplexer (not shown but inherent in order to perform selective services) having a select line coupled to the processor.

Claims 9 and 19, DeFreese further discloses (Fig. 3) an audio/video controller 46 coupled to the hardware decoder 44 for formatting media streams for presentation by an external display device (see Fig. 20); and

an output 45/48/50 coupled to the hardware decoder for providing operable connection to the external display device.

Claims 10 and 20, DeFreese further discloses (Fig. 3) a storage device 32/60/personal computer (Col. 13, lines 25-55 and Col. 14, lines 47-65), coupled to the processor, for storing at least one media of the first audio/video stream and the second audio/video stream.

Claim 32, DeFreese further discloses wherein the receiver (Fig. 3) comprises a radio-frequency input coupled to a splitter, and the splitter comprises a first output coupled to the first processing path and a second output coupled to the second processing path.

Claim 34, DeFreese further discloses wherein the decoder comprises a hardware-based decoder (see Fig. 3).

Claim 35, DeFreese further discloses wherein the multiplexed video signal and the streaming video signal are both encoded using a same technique (MPEG; Col. 14, lines 10-46), and wherein the decoder includes capability to decode signals encoded using the same technique (see Fig. 3 with MPEG decoder).

Claim 36, DeFreese further discloses wherein the same technique comprises an MPEG encoding technique (MPEG; Col. 14, lines 10-46).

Claim 38, DeFreese further discloses wherein the receiver is integrated with a set top box (see Fig. 1 and 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-6, 15-16, 33, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFreese et al. (US 6493876).

Claims 5, 6, 15 and 16, DeFreese further discloses wherein the second stream receiver comprises a tuner device 42 and a QPSK demodulator 39 (see Fig. 3)

DeFreese does not clearly disclose the tuner device 42 and the QPSK demodulator is a modem device/Data Over Cable Service Interface Specification (DOCSIS) modem.

Official Note is taken that having a cable modem within a STB is well known in art for receiving Internet services through the CATV network. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeFreese to have a DOCSIS modem integrated within the receiver so to take the advantage of DOCSIS standard for receiving high-speed Internet service through a CATV network.

Claim 33, DeFreese further discloses wherein the 1st processing path comprises a video tuner 41 coupled to the 1st output of the splitter and wherein the 2nd processing path comprise a 2nd tuner 42 and the QPSK demodulator 39 coupled to the 2nd output of the splitter (see Fig. 3)

DeFreese does not clearly disclose the tuner device 42 and the QPSK demodulator 39 is a modem device/Data Over Cable Service Interface Specification (DOCSiS) modem.

Official Note is taken that having a cable modem within a STB is well known in art for receiving Internet services through the CATV network. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeFreese to have a DOCSIS modem integrated within the receiver so to take the advantage of DOCSIS standard for receiving high-speed Internet service through a CATV network.

Claim 37, DeFreese does not clearly disclose wherein the same technique comprises a Digicypher encoding technique.

Official Notice is taken that video is compressed using various digital compression techniques, i.e., DiGicypher, is well known in the art for compressed video and audio images to be transmitted over high bandwidth channels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeFreese to encode data with DiGicypher scheme so to take the advantage of transmitting compressed data over high-speed bandwidth channel, i.e., satellite beside of CATV network.

Claim 39, DeFreese does not disclose wherein the receiver is integrated with a television set.

Official Notice is taken that integrating the receiver within a TV is well known in the art for simplification purpose. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate DeFreese receiver within a TV so to reduce cost and simplify manufacturing process. Moreover, allow user to have a compact TV device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
01/03/2006



HAI TRAN
PRIMARY EXAMINER